

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1, 3-7, and 9-14 are in the present application. It is submitted that the claims, as originally presented, were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. Changes to the claims as presented herein, are not submitted for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are submitted simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 1 and 7 were rejected under 35 U.S.C. § 102(e) as being anticipated by Herz et al. (U.S. Patent 5,758,257). Claims 3-6 and 9-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz. However, the present invention uses “a general user model based on statistical data,” wherein “said statistical data include[es] viewing times for the users.” (Claims 1 and 7) As shown in figures 4-12, the statistical data is grouped into time periods based on times of the day and week. (Specification page 14) Further, viewing information is retrieved for the user “by calculating a genre taste value based on time data of a request for an electronic program guide.” (Claims 1 and 7) Hence, when the user requests the electronic program guide, the most pertinent data suitable for that time period is presented. Although similar, Herz uses a single customer profile which is initially set based on demographics. Although the customer profile is adjusted based on the types and characteristics of the programs viewed, it is not adjusted based

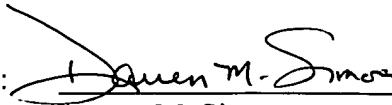
on the time when the programs are viewed. Accordingly, Herz does not select programs for an electronic program guide based on the typical viewing habits of the user at that time of the day/week. Therefore, for at least this reason, Herz fails to anticipate or obviate the present invention and the rejected claims should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

An extension of time fee is deemed to be required for the filing of this amendment. No other fees are anticipated, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
Darren M. Simon
Reg. No. 47,946
(212) 588-0800